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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,177	01/21/2004	Loretta E. Allen	84196DF-P	4773
7590	12/02/2004		EXAMINER FUREMAN, JARED	
Pamela R. Crocker Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			ART UNIT 2876	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,177

Applicant(s)

ALLEN ET AL.

Examiner

Jared J. Fureman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

It is acknowledged that this application is a divisional of application serial number 10/310,519. The parent application has been reviewed, and it is noted that a restriction requirement was made in the parent application. Claims 1 and 2 are pending.

Specification

1. The abstract of the disclosure is objected to because the abstract contains the legal terminology "said" in lines 4 (two occurrences) and 6. Also, --layer-- should be inserted after "image-receiving" in line 4. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Draper (US 6,007,104).

Draper teaches the steps of forming forming a 1st machine-readable indicia (a bar code) in an image layer (carbon copy 48) on a media; and forming a 2nd machine-readable indicia (a bar code) in a protective overlayer (carbon copy 46, which overlays carbon copy 48) that is identical in content to, and in register with said 1st machine-readable indicia (see figures 1, 3, column 2 lines 11-18, column 3 lines 49-51, 57-59, column 3 line 67 - column 4 line 4). Applicant's should note that while the preamble of

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this claim has not been given any patentable weight, since the claimed steps are able to stand alone, it is believed that Draper is suggestive of a computer program to perform the claimed steps (by use of a computer controlled printer to print the forms, for example).

4. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Baxendale (US 5,990,918).

Baxendale teaches a method of reading a media (an identity card or bank/credit card, for example) having indicia (a relief image, formed by pixels 7' or regions 10) formed in a protective overlayer (clear plastics material 7), said indicia having a physical topography (the thickness of the material 7, or areas that are overheated) that represents a machine-readable code (the relief image is used as an authentication feature in an automated image authentication process, thus, the relief image can be considered a machine readable code) comprising the steps of reading the physical topography of said indicia (the relief image) by a machine (in an automated authentication process) so as to obtain information encoded therein (the authenticity information); and interpreting said encoded information so as to obtain said information (see figures 1, 3, 4, column 1 line 58 - column 2 line 3, column 2 lines 7-43, and column 3 lines 8-40).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Antes (US 4,501,439), Christy (US 6,119,943), Uhling (US

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6,199,765), Koichi et al (US 6,092,942), and Sato Co. LTD. (JP 2001-88361 A) all teach media including machine-readable indicia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jared J. Fureman
Jared J. Fureman
Examiner
Art Unit 2876

November 24, 2004